

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

(2) ADOLFO VERDUGO LOPEZ,

Defendant.

2:17-CR-20489-TGB

ORDER REQUIRING
SUPPLEMENTAL BRIEFING

On April 18, 2019, the Court held a pretrial conference as to Defendant Adolfo Lopez, during which the Defendant raised concerns regarding additional adjournments in this matter. On April 25, 2019, the Court entered an order finding excludable delay and setting the pretrial conference for June 20, 2019, and the jury trial for July 9, 2019 as to Defendant Lopez (ECF No. 198). On May 22, 2019, the Government filed a Sixth Superseding Indictment under seal (ECF No. 199). The indictment added eight additional defendants. On June 4, 2019, the Government unsealed the Indictment (ECF No. 208).

The Court would normally extend all scheduling order dates to accommodate the newly added defendants. But because Defendant Lopez has previously raised objections to further adjournment, the Court directs the Government and Defendant Lopez to submit briefing on the question of whether Defendant Lopez's right to a speedy trial outweighs the Government's interest in trying the jointly-charged defendants together, and whether severance is required.

The Defendant's brief shall be due on or before July 8, 2019. The Government's response is due on or before July 17, 2019.

The Court further finds that the brief delay occasioned by this briefing schedule through the Court's ruling on the matter shall be deemed excludable delay under the Speedy Trial Act, specifically 18 U.S.C. §3161(h)(6), which excludes from the speedy trial calculation “[a] reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted.”

Counsel is directed to file a notice with the Court forthwith if Defendant Lopez wishes to withdraw his previous objections.

DATED this 17th day of June, 2019.

BY THE COURT:

/s/Terrence G. Berg
TERRENCE G. BERG
United States District Judge